

AO 91 (Rev 01/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of Ohio

United States of America)

v.)

David Jeremy Zobel)

Case No.)

Defendant

3:09mj-128

SHARON L. OVINGTON

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 06/02/2009 in the county of Greene in the Southern District of Ohio, the defendant violated 18 U. S. C. § 2423(b), an offense described as follows:

On or about June 2, 2009, in the Southern District of Ohio, and elsewhere, defendant David Jeremy Zobel traveled in interstate commerce for the purpose of engaging in any illicit sexual conduct with another person -- namely, two female minors from Greene County, Ohio.

This criminal complaint is based on these facts:

The Attached Affidavit of Robert B. White

☒ Continued on the attached sheet.

Robert B. White

Complainant's signature

Robert B. White, Special Agent of the F.B.I.

Printed name and title

Sworn to before me and signed in my presence.

Date: 6/12/2009

City and state: Dayton, Ohio

Sharon L. Ovington

Judge's signature

Sharon L. Ovington, US Magistrate Judge

Printed name and title

AFFIDAVIT FOR COMPLAINT

I, Robert B. White ("your Affiant"), a Special Agent with the Federal Bureau of Investigation ("FBI"), being duly sworn, depose and state as follows:

EDUCATION, TRAINING AND EXPERIENCE

1. I have been employed as a Special Agent of the FBI since October 17, 2008, and am currently assigned to the Cincinnati Field Division, Dayton Resident Agency. Since November 12, 2008, I have been assigned to investigate violations of federal law, including violations involving the Sexual Exploitation of Children. I am also responsible for investigating computer/high technology crimes including malicious computer activity, computer intrusions, child exploitation crimes, and internet-related fraud schemes. In addition to training received during New Agent's training at the FBI Academy, and specialized FBI training to work cyber cases, I have received hands on training in computer crime while working in financial systems in private industry and as an FBI Financial Analyst.
2. During my career as a Special Agent of the FBI, I have participated in investigations involving computer-related offenses and executed search warrants, to include those involving searches and seizures of computers, computer equipment, software, and electronically stored information. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

BACKGROUND

3. The statements in this affidavit are based in part on information provided by law enforcement officers, and on my personal experience and background as a Special Agent of the FBI. Since this affidavit is being submitted for the

33 limited purpose of securing an arrest warrant, I have
34 intentionally not included each and every fact known to me
35 concerning this investigation. I have set forth only the
36 facts that I believe are necessary to establish probable
37 cause to believe that DAVID JEREMY ZOBEL, who resides in Ann
38 Arbor, MI, violated Title 18, United States Code (USC), §
39 2423 (b) (transportation of minors with intent to engage in
40 criminal sexual activity).

41 **STATUTORY AUTHORITY**

42 4. Title 18, USC, Section § 2423 (b) states:

43 "Travel with intent to engage in illicit sexual conduct.--A
44 person who travels in interstate commerce or travels into
45 the United States, or a United States citizen or an alien
46 admitted for permanent residence in the United States who
47 travels in foreign commerce, for the purpose of engaging in
48 any illicit sexual conduct with another person shall be
49 fined under this title or imprisoned not more than 30
50 years."

51 **FACTS AND CIRCUMSTANCES**

52 5. On June 3, 2009, two missing Xenia juvenile girls, hereafter
53 referred to as minor female 1, aged 12, and minor female 2,
54 aged 13, were located by the Toledo Police Department (TPD).
55 The girls were interviewed by the TPD and stated they had
56 been picked up in Xenia, Ohio, and driven to Toledo, Ohio,
57 by David Last Name Unknown (LNU) in his tan, Honda, 4-Door
58 vehicle with Michigan license plates. According to the
59 minors, upon arrival at a parking garage in Toledo, Ohio,
60 David locked the doors of his vehicle and would not let the
61 minors out of his vehicle until they had both given him oral
62 sex and allowed him to take pictures of their breasts.

63 6. On June 3, 2009, a detective with the Xenia Police
64 Department (XPD) served a subpoena to MySpace for the

subject's screen name david, www.myspace.com/slyd2008,. MySpace identified the Internet Protocol (IP) address 68.40.197.164, which resolved to ComCast. An Emergency Disclosure Request was submitted to ComCast from XPD. The ComCast return on the above request identified David Zobel, residing at 211 N. Main Street Apartment #2, Ann Arbor, MI 48104, telephone number 734-XXX-XX18.

7. On June 5, 2009, a detective with XPD contacted David Zobel telephonically at 734-XXX-XX18 and he acknowledged that he picked up minor female 1 and minor female 2 in Xenia, drove them to Toledo and dropped them off in a parking garage in Toledo.
8. On June 5, 2009, the two minors were interviewed by a forensic interviewer at a child advocacy center located in Fairborn, Ohio. During the interview both girls stated that they were driven from Xenia to Toledo, Ohio, by a David LNU, who minor female number 2 had met on MySpace (screen name david, www.myspace.com/slyd2008). Both girls stated that they stopped in a parking garage in Toledo, and David would not let them out of the vehicle until both of them had given him 3 minutes of oral sex each, and allowed him to take pictures of their breasts on a camera owned by him. Minor female number 2 also stated that David had come to her house in Xenia sometime in November 2008. According to minor female number 2, during this visit David went with her into her bedroom, and forced her to perform oral sex on him.
9. On June 5, 2009, minor female number 2 gave XPD consent to search her cell phone. The search revealed approximately 41 text messages sent between David's phone (telephone number 734-XXX-XX89) and minor female 2's phone (telephone number 937-XXX-XX91) on June 2, 2009 from 1:00 a.m. until 12:16 p.m. Examination of these messages by the affiant revealed

97 that minor female number 2 sent a text message to David on
98 June 2, 2009, at 1:00 am stating, "friend ran away we need a
99 place to stay before afternoon tomorrow think you can help
100 us out". David sent a return text message at 1:16 a.m.
101 saying, "If you get up to detroit tomorrow I can get you a
102 hotel room... Who u with?". At 1:18 a.m., minor female
103 number 2 responds with the text, "I cant get up there im
104 with my bestie [minor female 1] we got a ride for a place to
105 stay tonite but we need to get out of ohio by tomorrow we
106 both have warrants". David replies back at 1:20 a.m. with,
107 "Crazy... Sorry I'm not close by or I could drive you".
108 Minor female number 2 replies at 1:20 a.m., "Damn that
109 sucks" and then at 1:32 a.m., "So wat you doin".
110 David texts back, "Just got home, bein bored and horny as
111 usual :)LOL" at 1:33 a.m. At 1:34 a.m., the girls text
112 back, "Haha call me we are bored". David responds with,
113 "I'm out of minutes haha but I got unlimited text..get on a
114 computer!". The girls text back, "LOL I Ranaway to a safe
115 house not a rich house there are no computers" at 1:38 a.m.
116 At 1:38 a.m., David sends the text, "So tell me about [minor
117 female 1]... How old? Cute? LOL". At 1:39 am, minor female
118 number 2 responds with, "14 and yes she is cute." David
119 replies at 1:40 a.m. with, "Maybe I should drive down
120 tomorrow and get you 2 a hotel room... Hmmm". Minor female
121 number 2 replies with, "Please do if you come down here
122 [minor female 1] said she will do whatever you want." At
123 1:42 a.m. David responds, "K - I'll be there at noon
124 tomorrow :D". At 1:46 a.m. the girls text back "K meet us
125 at Kennzie green Or how ever you spell it in xenia by the
126 entrance sign. its apartments Kk so around 12 or so". At
127 1:49 am, David asks "And u guys will do ANYTHING I want? ;)"
128 At 1:52 am the girls respond, "Lol Kk she said SHE Would do

anything lol i do Some stuff Haha.". David responds with, "Awesome. I can't find kenzie green... U got an address?" at 1:54 am, and then texts the girls "I'm going to bed then... See u tomorrow" at 2:03 am. At 2:05 am, the girls reply, "Kk good nite see you at the Entrance At 12". The next morning at 9:09 am, the girls send David the message, "Hey u up please be up we need to get up there fast". David responds with, "Ur in xenia, right?" at 9:46 am, and the girls text back "Yea" at 9:46 am. At 11:12 minor female 1 sends David a text asking him what's up and telling him she is bored. David responds with "At least your not by yourself in a car for 4 hrs LOL" at 11:14. The girls reply "True but i cant wait till u get here i want to leave ohio so damn bad". At 11:19 a.m., David texts minor female 1, "Well I can't wait to meet u: ur myspace pics are super cute LOL". At 11:20 a.m., minor female 1 responds with, "Cute boy i am sexy ok lol." At 11:20 am, David responds with "Lmao... Yeah u are." Minor female 1 texts back "I now i am" at 11:21 a.m. The girls text David at 11:25 am to tell him they are in the "grocery land" parking lot, and tell him to "txt me when u in xenia" at 11:37 a.m. David replies at 11:55 am "15 min". At 11:57 a.m., the girls write back "Ok just hurry up i cant wait to leave", and at 12:07 p.m. "U here yet". At 12:16 p.m., David texts, "K-I'm in the grocerland parking lot.".

10. On June 5, 2009, minor female 2 gave XPD consent to search her MySpace account. The search of that account revealed messages sent back and forth between her and David beginning January 22, 2009, and continuing through May 31, 2009. On January 22, 2009 at 9:55 pm, David writes to minor female number 2 "dont be sad [nickname for minor female 2]! i'm going to visit some ppl in cincinati on saturday and i'm

gonna stop by and visit ;)". Minor female 2 sends a message to David on January 29, 2009 at 7:17 pm stating "...im sorry my but head dad called u up and like bitched u out n stuff. n e ways hope ya doing good...". David responds on February 6, 2009 at 10:39 pm with "hey baby!! glad to hear from you! i was worried about you... u gotta tell me what hapened and what ur up to now. and dont worry about your dad calling me - lol - i confused the hell out of him :) get on msn sometime so we can talk!!:) love ya [minor female number 2]: daviewavy". On February 7, 2009 at 3:41 pm David sends minor female 2 the message "that sucks... i hope you told the ppl at the hospital what a shit your dad is. I been bored and high as usual :) next time you get that pissed off just run away... seriously, i'll put you up in a hotel or something :) when is he going on a work trip again? hope its soon love ya baby d oh - u have my number right, or did ur dad delete it? 734-XXX-XX89 :D". Minor female 2 sends David the message "get your davywavy butt online :P" on February 7, 2009 at 9:06 pm. On February 10, 2009 at 12:17 pm David sends minor female 2 the message "hey sexy [minor number 2] :P david's got a hangover :(lol". On February 10, 2009 at 12:30 pm, David e-mails minor female number 2, "doin nothin...i'm bored and horny as usual. Imao can u sign on myspace chat? i hate having to keep mailing shit :P but if it's the only way to talk to you, i guess i'll survive :D did u go to school today?". Minor female 2 responds with "haha this is the only way i can talk to ya :P lol...". On February 10, 2009 at 12:38 pm, David e-mails minor female 2 "i know :(life sucks :(now your gonna have to just email me your sexy pics instead;)Imao...". David sends the message "MMMMWA!!! thats a big kiss for you :P hope you had a fun v-day and <3 youuuu davywavy" at 10:03 pm to minor

193 female 2. On February 15, 2009 at 7:30 pm minor female 2
194 sends the message "...well i wont be on much today cuz i
195 meeting two people today.. a guy and his wife...u need to
196 stop by ohio sometime ;))) Ohio is boring w/o some guy name
197 "davywavy" around. haha". On February 16, 2009 at 10:56 am
198 David responds with "Imao - meeting a guy and his wife!?
199 your a bigger perv than me :P lol whatcha doing saturday?
200 maybe i'll come visit :)". On February 16, 2009 at 6:54 pm
201 minor female 1 sends "...Hmm this saturday i am free :PP
202 yea.. when am i EVER busy? phu.. lol". David then sends the
203 message "LMAO sounds fun... so i guess your not a virgin
204 anymore then.. hahaha. thats ok though, i'll still come
205 visit u <3..." to minor number 2 on February 16, 2009 at
206 5:52 pm. On May 29, 2009 at 1:29 am David e-mails minor
207 female 2 "hey cutie! i know - ur never online anymore - i'm
208 still sittin on the couch smoking weed... Imao when you guys
209 gonna be alone friday? i gotta be here some of the time, but
210 maybe i can squeeze a quick trip in - or i can just come
211 over monday during the day... wanna skip school? ;) miss u
212 baby :* stay outa trouble - oh, who am i kidding :P ur
213 nothing but trouble...", and then on May 31, 2009 at 3:51 pm
214 "wanna skip school tomorrow? i can come down and play
215 tomorrow morning :)".

216 11. On June 9, 2009 FBI agents from the Ann Arbor Resident
217 Agency executed a search warrant on David Jeremy Zobel's
218 residence located at 211 N. Main Street Apartment #2, Ann
219 Arbor, MI. During the search, Zobel was interviewed by FBI
220 agents and told them that he began corresponding back and
221 forth online with minor female 2 around November 2008 using
222 sex chat rooms and phone messaging. According to Zobel, he
223 and minor female 2 engaged in sexual dialog during these
224 sessions, and minor female 2 told him she was 16 years old.

225 Zobel believes that most of these sexual dialogues occurred
226 on Chat Avenue and MySpace. According to Zobel, he has also
227 engaged in sexually explicit dialogue online with other
228 individuals whom he believed to be minor females even though
229 he was concerned he may have been corresponding with
230 undercover law enforcement officers. Zobel stated that in
231 early June 2009, approximately June 2, 2009, Zobel and minor
232 female 2 sent sexual text messages to each other. Minor
233 female 2 told Zobel that she and her friend, minor female 1,
234 a 14 year-old girl, had run away from home. Zobel offered
235 to travel to Xenia, Ohio to pick up the girls. Zobel also
236 offered to get them a hotel room in Detroit if they could
237 find a way to travel there. Minor female 2 told Zobel her
238 girlfriend was attractive and that she would be willing to
239 do anything with Zobel in exchange for his picking them up.
240 Zobel interpreted this to mean the girls were willing to
241 engage in sexual acts with him. Zobel said he had no
242 intention of engaging in sexual acts with the girls; he
243 simply wanted to help them out. Zobel also stated he is
244 also glad the standard of proof in a criminal trial is
245 beyond a reasonable doubt because there is no evidence he
246 engaged in sexual acts with the girls. Zobel admitted that
247 he picked up minor female 1 and minor female 2 in Xenia and
248 drove them to Toledo, Ohio in his personal vehicle. Zobel
249 stated that he did not want to drive the girls into Michigan
250 because then he would be crossing state lines with two
251 under-aged girls. Zobel admitted that he knew what he was
252 doing was wrong and believed he would get in trouble for
253 picking up two under-aged girls if he were caught.
254 According to Zobel he did not engage in sexual contact with
255 either minor nor take any photographs of them. Zobel
256 mentioned he does own a camera but did not take his camera

on the trip to pick up minor female 1 and minor female 2. During the search of Zobel's house, after finding one camera, investigators asked if he had any other cameras in his residence and he replied, no. At that point his wife mentioned that his camera was located upstairs.

12. On June 9, 2009, Zobel told FBI agents that he was leaving for a vacation in Alaska the following week. He also mentioned that he will then spend two months in New York where he has secured employment with the Schroon Lake Opera, who does summer theater and children's opera programs. David told investigators that he has been hired to direct the children's opera for two months this summer.

13. On June 9, 2009, Zobel's wife was interviewed and told investigators that on June 2, 2009, Zobel told her he had traveled to Ohio to give a friend a ride. She also stated that after the police had questioned David, he admitted to her that he had met the girls in an online sex chat room sometime prior to Christmas 2008. Zobel then told her that his correspondence with the girls was about relationship issues but did not mention to her that his correspondence with the girls was sexual in nature. Zobel told her that he believed minor female 1 and minor female 2 were around 13 years old. Zobel's wife stated that Zobel works with a youth choir affiliated with the University of Michigan, and the youth at his church.

14. On June 9, 2009, during the search of Zobel's residence a laptop computer, two digital cameras, and an I-phone were seized. On June 11, 2009, these items were turned over to the FBI's Miami Valley Regional Computer Forensics Laboratory (MVR CFL) for analysis.

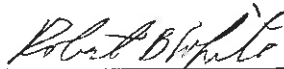
15. On June 11, 2009, MVR CFL's initial analysis of Zobel's digital camera revealed that it contained several photos of

289 minor female 1 and minor female 2. The camera date
290 associated with the date of examination and those of the
291 pictures showed that the pictures of the girls on the camera
292 were consistent with being taken on June 2, 2009.

293 16. On June 11, 2009, examination of the photos by the affiant
294 revealed that one was a clothed picture of minor female 1 in
295 the backseat of a vehicle with her face visible, and another
296 was a picture showing minor female 1 holding up her shirt
297 with her bra pulled down to expose her breasts. Further
298 examination of the photo revealed that it appeared to have
299 been taken in a parking garage. Another photo appeared to
300 be of minor female 2 with her shirt up showing her breast
301 covered by a bra.

302 **CONCLUSION**

303 17. Based on the aforementioned factual information, your
304 Affiant respectfully submits that there is probable cause to
305 believe that DAVID JEREMY ZOBEL did violate Title 18 United
306 States Code (USC) § 2423 (b) (transportation of minors with
307 intent to engage in criminal sexual activity) and requests
308 that an arrest warrant and complaint be issued for ZOBEL.

309 
310 _____

311 Robert B. White
312 Special Agent
313 Federal Bureau of Investigation

314
315 Subscribed and sworn to before
316 me this 12th day of June 2009.

317 
318 _____

319 Sharon Ovington
320 U.S. Magistrate Judge
321 Southern District of Ohio